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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,953	05/22/2006	Jung Min Lee	L60.12-0004	9282
27367 7590 02/05/2008 WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319				
EXAMINER				
STEPHENS III, JOSE S				
ART UNIT		PAPER NUMBER		
4193				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/579,953

**Applicant(s)**

LEE, JUNG MIN

**Examiner**

JOSE S. STEPHENS III

**Art Unit**

4193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/CI/CD)  
Paper No(s)/Mail Date 5/22/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: [2], line 1, the recitation "vareity" should be changed to –variety–; [2], line a, the recitation "fileds" should be changed to –fields–; [3], line 3, the recitation "bottole" should be changed to –bottle–; [6], line 2, the recitation "secodnary" should be changed to –secondary–; [15], line 1, the recitation "seccional" should be changed to –sectional–; [15], line 1, the recitation "illsutrating" should be changed to –illustrating–; [17], line 2, the recitation "conjunction" should be changed to –conjunction–; [17], line3, the recitation "refere" should be changed to –refer–; [20], line 1, the recitation "synthertic" should be changed to –synthetic–; [21], line 2, the recitation "sidwall" should be changed to –sidewall–; [21], line 13, the recitation "bottl" should be --bottle--; [23], line 7, the recitation "int" should be changed to –in–; [24], line 2, the recitation "movalbe" should be changed to –movable–; [25], line 3, the recitation "teh" should be changed to –the–; and [26], line 3, the recitation "unserewed" should be changed to –unscrewed--.

Appropriate corrections are required.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: on lines 10 and 14 of claim 1 "can be" should be changed to –is--. Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasuya (US 2002/0096440).

With respect to claim 1, figures 1 and 2(A), Kasuya teaches a cap 100 containing a secondary material 22, comprising a fixing member 110 fixed on a container 2, the fixing member having a hollow main body (center portion of cap 100) and a supporting tube 120 extending downward from an inner surface of the hollow main body, the supporting tube having a material exhausting portion 50 and a seal member 26 formed on the lower end of the supporting tube; and a movable member 32 coupled to the fixing member, the movable member having a main body coupled on the main body of the fixing member and a tube 24 extending downward from the main body to define a storage chamber (center portion of cap 100) for the secondary material 22, the tube being provided with an opened lower end through which the secondary material can be filled in the storage chamber, the opened lower end of the tube being tightly interlocked with the seal member 26 formed on the supporting tube of the fixing member after the secondary material is filled in the storage chamber and the movable member is coupled to the fixing member and being released from the seal member so that the secondary material can be mixed with a primary material 6 contained in the container by being

exhausted into the bottle 2 through the material exhausting portion formed on the supporting tube of the fixing member.

With respect to claim 3, figures 1 and 2(A), Kasuya teaches the hollow main (center portion of cap 100) of the fixing member 110 is screw-coupled to the main body of the movable member 32.

With respect to claim 11, figures 1 and 2(A), Kasuya teaches the seal member 26 is separately prepared from the supporting tube 120 and fixedly assembled on the supporting tube.

With respect to claim 11, figures 1 and 2(A), Kasuya teaches a product (product as a whole in figure 1) employing a cap 100.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4, 5, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuya (US 2002/0096440) in view of Frutin (US Patent 5,971,140).

With respect to claim 2, Kasuya teaches all the limitations of claim 1. Kasuya also teaches the hollow main body (center portion of cap 100) of the fixing member 110 includes a sidewall 28 fixed on the container in figures 1 and 2(A). Kasuya does not teach a spouting portion extending upward from the sidewall, and the movable member

is coupled to the spouting portion. However, Frutin teaches a spouting portion 2 in figure 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cap of Kasuya by incorporating the spouting portion, as taught by Frutin, for the purpose of being able to pour the secondary material in the storage chamber easier. Thus the modification as discussed meets all of the limitations of claim 2.

With respect to claim 4, Kasuya teaches all the limitations of claim 1. Kasuya also teaches the tube 24 is separated from the main body. Kasuya does not teach the tube being provided with a circumferential top projection that is engaged with a hook projection extending downward from a bottom of the main body. However, Frutin teaches a circumferential top projection 32 that is engaged with a hook projection 61. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cap of Kasuya by incorporating the circumferential top projection that is engaged with a hook projection, as taught by Frutin, for the purpose locking the movable member and the fixing member in place. Thus the modification as discussed meets all of the limitations of claim 4.

With respect to claim 5, the combination of Kasuya and Frutin teach all the limitations of claim 4. The combination also teaches the tube is provided with a circumferential bottom projection (figure 1 of Frutin, reference number 12) that will be hooked on a circumferential projection formed on an inner surface of the supporting tube (figure 2(A) of Kasuya, reference number 120) of the fixing member (figure 2(A) of Kasuya, reference number 110) when the movable member (figure 2(A) of Kasuya,

reference number 32) is removed from the fixing member. Thus the modification as discussed meets all of the limitations of claim 5.

With respect to claim 8, Kasuya teaches all the limitations of claim 1. Kasuya does not teach a seal enhancement member disposed on a bottom of the supporting tube. However, Frutin teaches a seal enhancement member (figure 4 of Frutin, reference number 35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cap of Kasuya by incorporating the seal enhancement member, as taught by Frutin, for the purpose being able to secure the secondary material more efficiently. Thus the modification as discussed meets all of the limitations of claim 8.

With respect to claim 9, the combination of Kasuya and Frutin teach all the limitations of claim 8. The combination also teaches the seal enhancement member is an O-ring (figure 4 of Frutin, reference number 8). Thus the modification as discussed meets all of the limitations of claim 8.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuya (US 2002/0096440) in view of Guild (US Patent 5,634,714).

With respect to claim 6, Kasuya teaches all the limitations of claim 1. Kasuya does not teach a stirring projection pin formed on the seal member to stir the secondary material when the movable member is removed from the fixing member. However, Guild teaches a stirring projection pin 20 formed on the seal member 32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cap of Kasuya by incorporating a stirring projection pin formed on

the seal member, as taught by Guild, for the purpose of stirring the secondary material. Thus the modification as discussed meets all of the limitations of claim 6.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuya (US 2002/0096440) in view of Alticosalian (US 2002/0053524).

With respect to claim 7, Kasuya teaches all the limitations of claim 1. Kasuya does not teach a first tamper-proof formed on a lower end of the hollow main body of the fixing member and a second tamper-proof formed on a main body of the movable member. However, Alticosalian teaches a first tamper-proof formed (figure 1, reference number 34) on a lower end of the hollow main body of the fixing member (figure 11, reference number 40) and a second tamper-proof (figure 1, reference number 19) formed on a main body of the movable member (figure 11, reference number 51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cap of Kasuya by incorporating a first tamper-proof formed on a lower end of the hollow main body of the fixing member and a second tamper-proof formed on a main body of the movable member, as taught by Alticosalian, for the purpose of locking the cap onto the bottle, and thus making it childproof. Thus the modification as discussed meets all of the limitations of claim 7.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuya (US 2002/0096440) in view of Frutin (US Patent 5,971,140) as discussed in claim 9 above in further view of Williams (US Patent 2002/0110744).

With respect to claim 10, the combination of Kasuya and Frutin teach all the limitations of claim 9. The combination does not teach the O-ring is formed of silicon.



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However, Williams recites in [30] lines 8 and 9, "The O-ring 44 or seal is formed from silicon". Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O-ring of Frutin by making the O-ring of silicon, as taught by Williams, for the purpose of creating a water tight seal. Using silicon provides many advantages including silicon's ability to perform at high temperatures. Thus the modification as discussed meets all of the limitations of claim 10.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE S. STEPHENS III whose telephone number is (571)270-3797. The examiner can normally be reached on M-F, alternate F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Nguyen can be reached on 571-272-1753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSS

/Long Nguyen/  
Supervisory Patent Examiner  
Art Unit 4193